PROTEST,

James Robertſon-Barclay, and other heritors in *Carrubber*'s Cloſe,

AGAINST

William Reoch wright.

At Edinburgh, the 15th day of Auguſt 1761 years.

THE which day, in preſence of me notary-public, and witneſſes after named and deſigned ſubſcribing, *James Grieve* officer to the ſociety of writers to the ſignet, as procurator for *James Robertſon-Barclay* and *David Anderſon* writers to the ſignet, for themſelves, and in name of the other heritors and poſſeſſors of the lands and houſes at the foot of *Carrubber*'s cloſe, and the neighbourhood, particularly named and deſigned in the bill of advocation after mentioned, paſſed with us to the perſonal preſence of *William Reoch* wright in *Edinburgh*; and the ſaid procurator did then repreſent, THAT WHEREAS the ſaid *James Robertſon-Barclay*, and other heritors aforeſaid, moved by the danger ariſing to their ſeveral properties from having a wright's ſhop in their vicinity, from which a very great fire had ſome ſhort time before ariſen, and deſtroyed ſeveral lands in the ſaid cloſe and neighbourhood, and threatened utter devaſtation to the reſt; upon obſerving, that the ſaid *William Reoch* was proceeding to rebuild the ſaid ſhop, and to uſe the areas beſide it as a timber-yard, and thereby to renew and continue the foreſaid danger, did apply by petition to the Provoſt, Dean of Guild, Bailies, and Town-council of *Edinburgh*, PRAYING the interpoſition of their authority to ſtop the ſaid work, intended for the purpo-

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ſes aforeſaid, or any other purpoſe whatever, attended with danger to the neighbourhood: Which petition being by them remitted to the Dean of Guild and his council, upon their delaying to give judgment thereon, a bill of advocation was, in the names of the petitioners, preſented to the Lords of Council and Seſſion; upon which their Lordſhips having granted ſeveral ſiſts of the ſaid *William Reoch*'s procedure in working in the ſaid area, by him or any other perſon, the laſt of which is dated the 19th day of *October* 1758; and the ſaid bill being afterwards adviſed by the Lord *Woodhall* Ordinary, upon the 15th of *December* thereafter, his Lordſhip appointed both parties to prepare and make out memorials in the cauſe: That memorials being accordingly made out by both parties, were put into their Lordſhips boxes; but the ſame have not yet been adviſed by them, whereby the ſiſt formerly granted by their Lordſhips continues in full force, till the cauſe ſhall be determined: YET NOTWITHSTANDING, the ſaid *William Reoch* had preſumed within theſe few days to erect within the ſaid area a kiln, and filled it with a large quantity of wood-ſhavings, a cartful of coals, and ſeveral cartfuls of oyſter-ſhells; a thing quite unprecedented, and never known to have been done within the liberties of this city, on account of the danger flowing from it; and which kiln was ſituated within a few feet of the gavel of one of the neighbouring tenements, and was partly ſurrounded with piles of wood in the ſaid *William Reoch*'s own timber-yard adjoining, and conſiderable quantities of ſaw-duſt; and which kiln being ſo erected, was, upon *Thurſday* laſt, the 13th current, (juſt three years and a day from the great conflagration aforeſaid, which proceeded from the ſaid ſhop), for the greater privacy, at nine of the clock at night, when it was become dark, and people retired to their houſes, lighted or ſet on fire by the ſaid *William Reoch*, or his order, whereby the adjoining tenements were immediately filled with ſmoke, and the whole neighbouring houſes put in alarm, from a view of the moſt imminent danger, the flames by

by that time iſſuing out of the ſeveral mouths and air-holes of the ſaid kiln, and if allowed to continue, would have flamed out at the top, and ſoon have ariſen to a prodigious height; and which danger appeared ſo great to the captain of the city-guard, and to the dean of guild, who were both called by the neighbouring inhabitants, that they immediately ordered the wells to be opened, which were at that time of night ſhut, and the ſoldiers of the town-guard to proceed and quench the fire; which was done, but with difficulty, by reaſon of the great quantity of combuſtibles therein contained, which were by that time well kindled; and further, to prevent danger, they ordered centinels to attend it all night; by all which the danger was moſt apparent: And therefore the ſaid procurator, in name and for the behoof foreſaid, PROTESTED, That the ſaid *William Reoch* was guilty of a contempt of the authority of the Lords of Council and Seſſion, by erecting ſuch work, and kindling ſuch fire, in reſpect he ought to have deſiſted from doing the like in the ſaid area till the iſſue of the ſaid cauſe: And the ſaid procurator alſo PROTESTED, That the ſaid *William Reoch* ought to be liable in a mulct for his contravention aforeſaid, and in all damages and expences the foreſaid perſons may be put to in proſecuting him for the ſame: And for this purpoſe the ſaid procurator delivered a full ſchedule of this proteſt to the ſaid *William Reoch*, perſonally apprehended, that he might pretend no ignorance: And thereupon, and upon the haill premiſſes, the ſaid procurator took inſtruments in my hands. Theſe things were ſo acted and done, within *Carruber's* cloſe, upon the day of the month and year of God firſt before written, before and in preſence of *David Edmond* and *Patrick Wallace*, both indwellers in *Edinburgh*. (Signed) *Præmiſſa atteſtor*, PAT. BAILLIE, *N. P. Patrick Wallace witneſs. David Edmond witneſs.*